

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

LAMAR HOWARD JEFFRIES,

CV. 05-1851-JO

Plaintiff,

ORDER

v.

SNAKE RIVER CORRECTIONS-OREGON,
et al.,

Defendants.

JONES, District Judge.

On May 8, 2006, defendants filed a Motion to Dismiss or Strike (#19) plaintiff's First Amended Complaint on the basis that it "fails to cure the defects of the original pleadings as noted by the court in its order of dismissal." Notably, in his Response (#22) to defendants' Motion to Dismiss or Strike, plaintiff notified the court that he filed his Amended Complaint before he received the court's Order to Dismiss, and thus, did not have the benefit of reviewing the deficiencies identified by the court when he prepared and filed his First Amended Complaint. Accordingly,

defendants' Motion to Dismiss plaintiff's First Amended Complaint is granted with leave for plaintiff to file a Second Amended Complaint within 45 days of the date of this Order which conforms with the court's Order to Dismiss (#10) dated February 13, 2006. In addition, plaintiff is reminded that in accordance with the federal rules, he must serve his Second Amended Complaint on the defendants.

CONCLUSION

Defendants' Motion to Dismiss (#19) plaintiff's First Amended Complaint is GRANTED with leave for plaintiff to file a Second Amended Complaint within 45 days from the date of this Order. Defendants shall file an Amended Answer with the court 20 days thereafter. All other Motions currently pending before the court are denied as moot.

IT IS SO ORDERED.

DATED this _____ day of June, 2006.

Robert E. Jones
United States District Judge